

# **Summary of Proposed Amendments to the Navajo Nation Surface Water Quality Standards**

The federal Clean Water Act (US CWA) requires states and federally recognized Indian tribes to adopt water quality standards in order to "restore and maintain the chemical, physical, and biological integrity of the Nation's Waters".

The first Navajo Nation Surface Water Quality Standards (NNSWQS) were passed by the Navajo Nation Resources Committee on November 12, 1999. On January 20, 2006 the US Environmental Protection Agency (USEPA) approved the Navajo Nation's application to administer the Water Quality Standards and Certification Programs under the federal Clean Water Act's Sections 303 and 401. The approval was granted using the 1999 Navajo Nation Water Quality Standards (NNEPA 1999). Section 202 of the Navajo Nation Clean Water Act (NN CWA) and Section 303(c) (1) of the US CWA both require that water quality standards be reviewed and, as appropriate; be amended from time to time. This review period is often referred to as the "triennial review period." In 2004 the standards were reviewed and amended during the "triennial review period". This document summarizes major amendments to the standards made during the 2007 "triennial review period".

The Navajo Nation Environmental Protection Agency Water Quality/Navajo Pollutant Discharge Elimination System Program (NNEPA WQP) has completed the 2007 "triennial review period". The NNSWQS were reviewed by the WQ Program, USEPA and also made available to the public for a one-month comment period (published the week on September 26, 2007 in the Gallup Independent). Public comments were received and responded to on December 3, 2007. The following are a section by section summary of the major amendments made to the NNWQS based upon all the comments that were received:

## **§ 104 DEFINITIONS**

- Changed the Aquatic Habitat designated use to Aquatic and Wildlife Habitat. Added that water body supports prey base use for non-domestic animals.
- Changed the Livestock and Wildlife designated use to Livestock Watering.
- Added definitions for Deep Lake, Diel, Igneous Lake, Photic Zone, Sedimentary Lake, and Shallow Lake.

## **§ 201 ANTIDegradation POLICY**

- Uses that shall be maintained and protected changed from instream uses to designated uses.

**§ 202 NARRATIVE SURFACE WATER QUALITY STANDARDS (previously § 203)**

- This section was previously Section 203.
- Added narrative nutrient standard.
- Added “trash dumping into Waters of the Navajo Nation” to list of prohibited activities.

**§ 203 IMPLEMENTATION PLAN (previously § 202)**

- Moved this to Section 203.

**§ 204 NARRATIVE NUTRIENT STANDARD IMPLEMENTATION PLAN**

- New section for implementing narrative nutrient standard adopted in Section 202 that includes numeric targets for lakes and reservoirs. Adopted from Arizona DEQ.

**§ 205 DESIGNATED USE CLASSIFICATION SYSTEM FOR NAVAJO NATION SURFACE WATERS (previously § 204)**

- Moved this to Section 205.
- See designated use changes in Section 104, “Definitions”, above.

**§ 206 NUMERIC SURFACE WATER QUALITY STANDARDS (previously § 205)**

- Moved this to Section 206.
- Made changes to standards for E. coli, salinity, suspended sediments, temperature, and dissolved oxygen.

**§ 207 SAMPLE COLLECTION AND ANALYSIS (previously § 206)**

**§ 208 VARIANCES (previously § 207)**

**§ 209 WASTEWATER MIXING ZONES (previously § 208)**

**§ 210 BIOLOGICAL STANDARDS (previously § 209)**

- Moved these sections as listed above. No other changes in these sections.

**Table 205.1 Designated Uses for Navajo Nation Surface Waters (previously Table 204.1)**

- Table changed from 204.1 to 205.1.
- Add Fish Consumption designated use to all listed water bodies for human health protection.
- Modified Aquatic & Wildlife Habitat and Livestock Watering designated uses to reflect new definitions.

**Table 206.1      Numeric Surface Water Quality Standards (previously Tables 205A.1, 205A.2, 205A.3, 205A.4, 205B.1, 205B.2, 205B.5, and 205B.6)**

- Combined tables listed above into single Table 206.1.
- Adopted mercury in water and methylmercury in water standards to protect the chronic Aquatic & Wildlife Habitat designated use. These standards were adopted from the United States Fish and Wildlife Service's July 2006 fish tissue study entitled: "Methylmercury and Other Environmental Contaminants in Water and Fish Collected from Four Recreational Fishing Lakes on the Navajo Nation, 2004". They may be some of the lowest standards in the country.
- Adopted a methylmercury in fish standard to protect the Fish Consumption designated use. Adopted from current federal recommended water quality criteria.
- Updated numeric water quality criteria to reflect current federal and state recommended water quality criteria.

**Table 206.2      Maximum Total Ammonia Concentration Acute Standard for Aquatic and Wildlife Habitat (previously Table 205B.3)**

**Table 206.3      Maximum Total Ammonia Concentration Chronic Standard for Aquatic and Wildlife Habitat (previously Table 205B.4)**

- Table changes as listed above. No other changes in these tables.